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4 Attorneys for STATE OF ARIZONA

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 MAR 28 AM 10:32

JEANNE LICKS, CLERK

BY: BOBBI JO BALL

IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

JAMES ARTHUR RAY,

Defendant.

V1300CR201080049

**MOTION TO EXTEND TIME FOR
DISCLOSURE PURSUANT TO RULE
15.6((d), ARIZ. R. CRIM. P.**

(The Honorable Warren Darrow)

Comes now the State of Arizona, pursuant to Rule 15.6(c) and Rule 15.6(d) of the Arizona Rules of Criminal Procedure, and respectfully requests that this Court extend the time for disclosure and allow it to use the following material or information during trial.

1. Certified Articles of Incorporation and Annual Lists for James Ray International received from the Nevada Secretary of State's Office.

This motion is based on the following memorandum of points and authorities and the attached affidavit.

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 15.6(c), Ariz. R. Crim. P., provides that, unless otherwise permitted, all disclosure must be completed at least 7 days prior to trial, and Rule 15.6(d) provides that, if the material and information is not disclosed at least 7 days prior to trial, the party must obtain leave of the court by motion, supported by affidavit, to extend the time for disclosure and use the material or information, and the trial may extend the time for disclosure and allow a party to use material or information if it finds that the material or information could not have been discovered or

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1 disclosed earlier even with due diligence, and the material or information was disclosed
2 immediately upon its discovery.

3 On March 24, 2011, Mr. Kelly cross examined State's witness Melinda Martin and
4 created a corporate structure chart he represented to the jury as the corporate structure of James
5 Ray International. Prior to the cross examination of Melinda Martin and Mr. Kelly's creation of
6 a corporate structure chart, the State was unaware of Defendant's intention to use the corporate
7 structure of James Ray International as a defense in this matter. Accordingly, the State had not
8 anticipated the need to address the actual corporate structure of James Ray International during
9 trial.

11 The State has made on-line inquiries to the Nevada Secretary of State's Office and
12 obtained an "Entity Details" report. The report was subsequently disclosed in the State's 47th
13 Supplemental Disclosure Statement. The State has now received certified records to include the
14 Articles of Incorporation and the Annual Lists filed in 2009 and 2010 for James Ray
15 International from the Nevada Secretary of State's Office. These records were also disclosed in
16 the State's 47th Supplemental Disclosure Statement.

18 Accordingly the State therefore requests that this Court enter its order extending the time
19 for disclosure and allowing the State to use the material or information received from the Nevada
20 Secretary of State's Office

22 RESPECTFULLY submitted this 28th day of March, 2011.

24 By Sheila Spill
25 SHEILA SULLIVAN POLK
26 YAVAPAI COUNTY ATTORNEY

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COPIES of the foregoing delivered
This 28th day of March, 2011:

Hon. Warren Darrow
Judge of the Superior Court

Thomas Kelly

Truc Do
Munger, Tolles & Olson LLP
355 S. Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Attorneys for Defendant

By:

Kelly Darrow

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4 Attorneys for STATE OF ARIZONA

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

8 Plaintiff,

9 vs.

10 JAMES ARTHUR RAY,

11 Defendant.

Cause No. V1300CR201080049

Division PTB

AFFIDAVIT IN SUPPORT OF
MOTION TO EXTEND
DISCLOSURE DEADLINE

12 STATE OF ARIZONA)
13) ss
14 County of Yavapai)

15 SHEILA POLK, being first duly sworn upon her oath, deposes and says:

16 1. She is the Yavapai County Attorney assigned to prosecute the above-noted matter.

17 2. That Defendant, JAMES ARTHUR RAY, was indicted on February 4, 2010 with three
18 (3) counts of Manslaughter, each a class 2 felony.

19 3. A felony criminal trial commenced in this Court on the 16th day of February, 2011 and
20 is currently proceeding.

21 4. That on March 24, 2011, Mr. Kelly cross examined State's witness Melinda Martin and
22 created a corporate structure chart he represented to the jury as the corporate structure of James
23 Ray International.
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1 5. That as a result of Mr. Kelly's questioning, the State has made inquiries into the actual
2 corporate structure and the role of Defendant within James Ray International through the Nevada
3 Secretary of State's Office.

4 6. As a result of on-line inquiries the State has obtained an "Entity Details" listing for
5 James Ray International. The "Entity Details" were disclosed on March 28, 2011 in the State's
6 47th Supplemental Disclosure Statement.

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8 7. That on March 25, 2011, the State received certified Articles of Incorporation and the
9 Annual Lists for 2009 and 2010 for James Ray International. The Certified Articles and Lists
10 were also disclosed in the State's 47th Supplemental Disclosure Statement.

11 8. The State intends to move for the admission of the Certified Articles of Incorporation
12 and Annual Lists for 2009 and 2010.

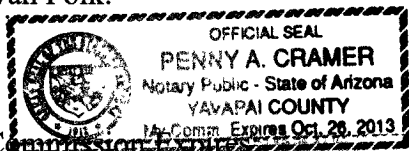
13
14 8. That the State was unaware of Defendant's intention to use the corporate structure of
15 James Ray International as a defense in this matter until the cross examination of Melinda Martin
16 and Mr. Kelly's creation of a corporate structure chart on March 24, 2011.

17 RESPECTFULLY SUBMITTED this 28th day of March, 2011.

18 SHEILA SULLIVAN POLK
19 YAVAPAI COUNTY ATTORNEY

20 By: Sheila Polk
21 Sheila Sullivan Polk
22 Yavapai County Attorney

23 SUBSCRIBED and SWORN to before me this 28th day of March, 2011, by Sheila
24 Sullivan Polk.



Penny A. Cramer
Notary Public

10-26-2013